

2 **ESB 5789 - H AMD 0242 ADOPTED 04/23/99**

3 By Representative

4

5 Strike everything after the enacting clause and insert the
6 following:

7 "Sec. 1. RCW 43.105.020 and 1993 c 280 s 78 are each amended to
8 read as follows:

9 As used in this chapter, unless the context indicates otherwise,
10 the following definitions shall apply:

11 (1) "Department" means the department of information services;

12 (2) "Board" means the information services board;

13 (3) "Local governments" includes all municipal and quasi municipal
14 corporations and political subdivisions, and all agencies of such
15 corporations and subdivisions authorized to contract separately;

16 (4) "Director" means the director of the department;

17 (5) "Purchased services" means services provided by a vendor to
18 accomplish routine, continuing, and necessary functions. This term
19 includes, but is not limited to, services acquired for equipment
20 maintenance and repair, operation of a physical plant, security,
21 computer hardware and software installation and maintenance, data
22 entry, keypunch services, programming services, and computer time-
23 sharing;

24 (6) "Backbone network" means the shared high-density portions of
25 the state's telecommunications transmission facilities. It includes
26 specially conditioned high-speed communications carrier lines,
27 multiplexors, switches associated with such communications lines, and
28 any equipment and software components necessary for management and
29 control of the backbone network;

30 (7) "Telecommunications" means the transmission of information by
31 wire, radio, optical cable, electromagnetic, or other means;

32 (8) "Information processing" means the electronic capture,
33 collection, storage, manipulation, transmission, retrieval, and
34 presentation of information in the form of data, text, voice, or image
35 and includes telecommunications and office automation functions;

1 (9) "Information services" means data processing,
2 telecommunications, and office automation;

3 (10) "Equipment" means the machines, devices, and transmission
4 facilities used in information processing, such as computers, word
5 processors, terminals, telephones, and cables;

6 (11) "Proprietary software" means that software offered for sale or
7 license;

8 (12) "Video telecommunications" means the electronic
9 interconnection of two or more sites for the purpose of transmitting
10 and/or receiving visual and associated audio information. Video
11 telecommunications shall not include existing public television
12 broadcast stations as currently designated by the department of
13 community, trade, and economic development under chapter 43.330 RCW;

14 (13) "K-20 educational network board" or "K-20 board" means the K-
15 20 educational network board created in section 2 of this act;

16 (14) "K-20 network technical steering committee" or "committee"
17 means the K-20 network technical steering committee created in section
18 6 of this act;

19 (15) "K-20 network" means the network established in RCW
20 28D.02.070;

21 (16) "Educational sectors" means those institutions of higher
22 education, school districts, and educational service districts that use
23 the network for distance education, data transmission, and other uses
24 permitted by the K-20 board.

25 NEW SECTION. Sec. 2. The K-20 educational network board is
26 created. The purpose of the K-20 board is to ensure that the K-20
27 educational telecommunications network is operated in a way that serves
28 the broad public interest above the interest of any network user.

29 (1) The K-20 board shall comprise eleven voting and seven nonvoting
30 members as follows:

31 (a) Voting members shall include: A person designated by the
32 governor; one member of each caucus of the senate, appointed by the
33 president of the senate; one member of each caucus of the house of
34 representatives, appointed by the speaker of the house of
35 representatives; the superintendent of public instruction or his or her
36 designee; the executive director of the higher education coordinating
37 board or his or her designee; the executive director of the state board
38 for community and technical colleges or his or her designee; the chair

1 of the information services board, or his or her designee; the director
2 of the department of information services or his or her designee; and
3 one citizen member.

4 The citizen member shall be appointed to a four-year term by the
5 governor with the consent of the senate. The governor shall appoint
6 the citizen member of the K-20 board by July 30, 1999.

7 (b) Nonvoting members shall include one community or technical
8 college president, appointed by the state board for technical and
9 community colleges; one president of a public baccalaureate
10 institution, appointed by the council of presidents; the state
11 librarian; one educational service district superintendent, one school
12 district superintendent, and one representative of an approved private
13 school, appointed by the superintendent of public instruction; and one
14 representative of independent baccalaureate institutions, appointed by
15 the Washington association of independent colleges and universities.

16 (2) The director of the department of information services or his
17 or her designee shall serve as chair of the K-20 board. The department
18 of information services shall provide staffing to the K-20 board. A
19 majority of the voting members of the K-20 board shall constitute a
20 quorum for the transaction of business.

21 (3) The citizen member of the K-20 board shall be compensated in
22 accordance with RCW 43.03.250.

23 NEW SECTION. **Sec. 3.** The new section is added to chapter 43.105
24 RCW to read as follows:

25 The K-20 board has the following powers and duties:

26 (1) In cooperation with the educational sectors and other
27 interested parties, to establish goals and measurable objectives for
28 the network;

29 (2) To ensure that the goals and measurable objectives of the
30 network are the basis for any decisions or recommendations regarding
31 the technical development and operation of the network;

32 (3) To adopt, modify, and implement policies to facilitate network
33 development, operation, and expansion. Such policies may include but
34 need not be limited to the following issues: Quality of educational
35 services; access to the network by recognized organizations and
36 accredited institutions that deliver educational programming, including
37 public libraries; prioritization of programming within limited
38 resources; prioritization of access to the system and the sharing of

1 technological advances; network security; identification and evaluation
2 of emerging technologies for delivery of educational programs; future
3 expansion or redirection of the system; network fee structures; and
4 costs for the development and operation of the network;

5 (4) To prepare and submit to the governor and the legislature a
6 coordinated budget for network development, operation, and expansion.
7 The budget shall include the recommendations of the K-20 board on (a)
8 any state funding requested for network transport and equipment,
9 distance education facilities and hardware or software specific to the
10 use of the network, and proposed new network end sites, (b) annual
11 copayments to be charged to public educational sector institutions and
12 other public entities connected to the network, and (c) charges to
13 nongovernmental entities connected to the network;

14 (5) To adopt and monitor the implementation of a methodology to
15 evaluate the effectiveness of the network in achieving the educational
16 goals and measurable objectives;

17 (6) To authorize the release of funds from the K-20 technology
18 account under RCW 28D.02.060 (as recodified by this act) for network
19 expenditures;

20 (7) To establish by rule acceptable use policies governing user
21 eligibility for participation in the K-20 network, acceptable uses of
22 network resources, and procedures for enforcement of such policies.
23 The K-20 board shall set forth appropriate procedures for enforcement
24 of acceptable use policies, that may include suspension of network
25 connections and removal of shared equipment for violations of network
26 conditions or policies. However, the information services board shall
27 have sole responsibility for the implementation of enforcement
28 procedures relating to technical conditions of use.

29 NEW SECTION. **Sec. 4.** A new section is added to chapter 43.105 RCW
30 to read as follows:

31 Actions of the telecommunications oversight and policy committee in
32 effect on June 30, 1999, shall remain in effect thereafter unless
33 modified or repealed by the K-20 board.

34 **Sec. 5.** RCW 43.105.041 and 1996 c 171 s 8 and 1996 c 137 s 12 are
35 each reenacted and amended to read as follows:

36 (1) The board shall have the following powers and duties related to
37 information services:

1 (a) To develop standards governing the acquisition and disposition
2 of equipment, proprietary software and purchased services, and
3 confidentiality of computerized data;

4 (b) To purchase, lease, rent, or otherwise acquire, dispose of, and
5 maintain equipment, proprietary software, and purchased services, or to
6 delegate to other agencies and institutions of state government, under
7 appropriate standards, the authority to purchase, lease, rent, or
8 otherwise acquire, dispose of, and maintain equipment, proprietary
9 software, and purchased services: PROVIDED, That, agencies and
10 institutions of state government are expressly prohibited from
11 acquiring or disposing of equipment, proprietary software, and
12 purchased services without such delegation of authority. The
13 acquisition and disposition of equipment, proprietary software, and
14 purchased services is exempt from RCW 43.19.1919 and, as provided in
15 RCW 43.19.1901, from the provisions of RCW 43.19.190 through 43.19.200.
16 This subsection (1)(b) does not apply to the legislative branch;

17 (c) To develop state-wide or interagency technical policies,
18 standards, and procedures;

19 (d) To review and approve standards and common specifications for
20 new or expanded telecommunications networks proposed by agencies,
21 public postsecondary education institutions, educational service
22 districts, or state-wide or regional providers of K-12 information
23 technology services, and to assure the cost-effective development and
24 incremental implementation of a state-wide video telecommunications
25 system to serve: Public schools; educational service districts;
26 vocational-technical institutes; community colleges; colleges and
27 universities; state and local government; and the general public
28 through public affairs programming;

29 (e) To provide direction concerning strategic planning goals and
30 objectives for the state. The board shall seek input from the
31 legislature and the judiciary;

32 (f) To develop and implement a process for the resolution of
33 appeals by:

34 (i) Vendors concerning the conduct of an acquisition process by an
35 agency or the department; or

36 (ii) A customer agency concerning the provision of services by the
37 department or by other state agency providers;

1 (g) To establish policies for the periodic review by the department
2 of agency performance which may include but are not limited to analysis
3 of:

- 4 (i) Planning, management, control, and use of information services;
- 5 (ii) Training and education; and
- 6 (iii) Project management;

7 (h) To set its meeting schedules and convene at scheduled times, or
8 meet at the request of a majority of its members, the chair, or the
9 director; and

10 (i) To review and approve that portion of the department's budget
11 requests that provides for support to the board.

12 (2) State-wide technical standards to promote and facilitate
13 electronic information sharing and access are an essential component of
14 acceptable and reliable public access service and complement content-
15 related standards designed to meet those goals. The board shall:

16 (a) Establish technical standards to facilitate electronic access
17 to government information and interoperability of information systems.
18 Local governments are strongly encouraged to follow the standards
19 established by the board; and

20 (b) Require agencies to consider electronic public access needs
21 when planning new information systems or major upgrades of systems.

22 In developing these standards, the board is encouraged to include
23 the state library, state archives, and appropriate representatives of
24 state and local government.

25 (3)(a) The board, in consultation with the K-20 board, has the duty
26 to govern, operate, and oversee the technical design, implementation,
27 and operation of the K-20 network including, but not limited to, the
28 following duties: Establishment and implementation of K-20 network
29 technical policy, including technical standards and conditions of use;
30 review and approval of network design; procurement of shared network
31 services and equipment; and resolving user/provider disputes concerning
32 technical matters. The board shall delegate general operational and
33 technical oversight to the K-20 network technical steering committee as
34 appropriate.

35 (b) The board has the authority to adopt rules under chapter 34.05
36 RCW to implement the provisions regarding the technical operations and
37 conditions of use of the K-20 network.

1 NEW SECTION. **Sec. 6.** A new section is added to chapter 43.105 RCW
2 to read as follows:

3 The K-20 network technical steering committee is established, and
4 shall report to the information services board.

5 (1) The committee consists of the following seven voting members:
6 A representative of the higher education coordinating board, appointed
7 by its executive director; a representative of the superintendent of
8 public instruction, appointed by the superintendent of public
9 instruction; a representative of the state board for community and
10 technical colleges, appointed by its executive director; a
11 representative of the educational services districts, appointed by that
12 organization; a representative of the baccalaureate institutions,
13 appointed by the council of presidents; a representative of the
14 computer or telecommunications industry, appointed by the governor; and
15 a representative of the department, appointed by the director. The
16 committee includes as ex officio, nonvoting members, a representative
17 of the organization that operates the K-20 network under section 8 of
18 this act, appointed by that organization; the state librarian; a
19 representative of the independent nonprofit institutions of higher
20 education, appointed by the Washington association of independent
21 colleges and universities; and such additional ex officio, nonvoting
22 members as may be appointed by the information services board. The
23 committee shall select a chair from among its members.

24 (2) The committee shall have general operational and technical
25 oversight over the K-20 network, as delegated by the information
26 services board.

27 (3) The department shall supply necessary staff support to the
28 committee.

29 NEW SECTION. **Sec. 7.** A new section is added to chapter 43.105 RCW
30 to read as follows:

31 (1) In overseeing the technical aspects of the K-20 network, the
32 information services board is not intended to duplicate the statutory
33 responsibilities of the higher education coordinating board, the
34 superintendent of public instruction, the information services board,
35 the state librarian, or the governing boards of the institutions of
36 higher education.

37 (2) The board may not interfere in any curriculum or legally
38 offered programming offered over the network.

1 (3) The coordination of telecommunications planning for
2 institutions of higher education as defined in RCW 28B.10.016 remains
3 the responsibility of the higher education coordinating board under RCW
4 28B.80.600. The board may recommend, but not require, revisions to the
5 higher education coordinating board's telecommunications plan.

6 (4) The responsibility to review and approve standards and common
7 specifications for the network remains the responsibility of the
8 information services board under RCW 43.105.041.

9 (5) The coordination of telecommunications planning for the common
10 schools remains the responsibility of the superintendent of public
11 instruction. Except as set forth in RCW 43.105.041(1)(d), the board
12 may recommend, but not require, revisions to the superintendent's
13 telecommunications plans.

14 NEW SECTION. **Sec. 8.** A new section is added to chapter 43.105 RCW
15 to read as follows:

16 The department shall maintain, in consultation with the network
17 users and the board, the K-20 operations cooperative, which shall be
18 responsible for day-to-day network management, technical network status
19 monitoring, technical problem response coordination, and other duties
20 as agreed to by the department, the educational sectors, and the
21 information services board. Funding for the K-20 operations
22 cooperative shall be provided from the K-20 revolving fund under RCW
23 28D.02.065 (as recodified by this act).

24 **Sec. 9.** RCW 28D.02.060 and 1997 c 180 s 2 are each amended to read
25 as follows:

26 The K-20 technology account is hereby created in the state
27 treasury. The department of information services shall deposit into
28 the account moneys received from legislative appropriations, gifts,
29 grants, and endowments for the buildout and installation of the K-20
30 telecommunication system. The account shall be subject to
31 appropriation and may be expended solely for the K-20 telecommunication
32 system (~~((approved by the committee under RCW 28D.02.010))~~).
33 Disbursements from the account shall be on authorization of the
34 director of the department of information services with approval of the
35 (~~((committee under RCW 28D.02.010))~~) board.

1 **Sec. 10.** RCW 28D.02.065 and 1997 c 180 s 1 are each amended to
2 read as follows:

3 (1) The education technology revolving fund is created in the
4 custody of the state treasurer. All receipts from billings under
5 subsection (2) of this section must be deposited in the revolving fund.
6 Only the director of the department of information services or the
7 director's designee may authorize expenditures from the fund. The
8 revolving fund shall be used ~~((only))~~ to pay for ~~((the acquisition of))~~
9 network operations, transport, equipment, software, supplies, and
10 services, maintenance and depreciation of on-site data, and shared
11 infrastructure, and other costs incidental to the ((acquisition,))
12 development, operation, and administration of shared educational
13 information technology services, telecommunications, and systems. The
14 revolving fund shall not be used for the acquisition, maintenance, or
15 operations of local ~~((networks or))~~ telecommunications infrastructure
16 or the maintenance or depreciation of on-premises video equipment
17 specific to a particular institution or group of institutions.

18 (2) The revolving fund and all disbursements from the revolving
19 fund are subject to the allotment procedure under chapter 43.88 RCW,
20 but an appropriation is not required for expenditures. The department
21 of information services shall, in consultation with entities connected
22 to the network under RCW 28D.02.070 (as recodified by this act) and
23 subject to the review and approval of the office ~~((of))~~ of financial
24 management, establish and implement a billing structure ((to assure
25 that all network users pay an equitable share of the costs in relation
26 to their usage of the network)) for network services identified in
27 subsection (1) of this section.

28 (3) The department shall charge those public entities connected to
29 the K-20 telecommunications under RCW 28D.02.070 an annual copayment
30 per unit of transport connection as determined by the legislature after
31 consideration of the K-20 board's recommendations. This copayment
32 shall be deposited into the revolving fund to be used for the purposes
33 in subsection (1) of this section. It is the intent of the legislature
34 to appropriate to the revolving fund such moneys as necessary to cover
35 the costs for transport, maintenance, and depreciation of data
36 equipment located at the individual public institutions, maintenance
37 and depreciation of the network backbone, and services provided to the
38 network under section 8 of this act.

1 **Sec. 11.** RCW 28D.02.070 and 1996 c 137 s 8 are each amended to
2 read as follows:

3 The information services board shall prepare a technical plan for
4 the design and construction of the K-20 telecommunication system. The
5 board shall ensure that the technical plan adheres to the ~~((principles
6 described in RCW 28D.02.020 and the))~~ goals and objectives established
7 ~~((by the committee))~~ under RCW ~~((28D.02.010))~~ 43.105.041. The board
8 shall provide formal project approval and oversight during the
9 development and implementation of the K-20 telecommunications network.
10 In approving the plan, the board shall conduct a request for proposal
11 process. The technical plan shall be developed in phases as follows:

12 (1) Phase one shall provide a telecommunication backbone connecting
13 educational service districts, the main campuses of public
14 baccalaureate institutions, the branch campuses of public research
15 institutions, and the main campuses of community colleges and technical
16 colleges.

17 (2) Phase two shall provide for (a) connection to the network by
18 entities that include, but need not be limited to: School districts,
19 public higher education off-campus and extension centers, and branch
20 campuses of community colleges and technical colleges, ~~((and
21 independent nonprofit baccalaureate institutions,))~~ as prioritized by
22 the ~~((K-20))~~ K-20 telecommunications oversight and policy committee,
23 or as modified by the board; ~~((and))~~ (b) distance education facilities
24 and components for entities listed in subsections (1) and (2) of this
25 section; and (c) connection for independent nonprofit institutions of
26 higher education, provided that:

27 (i) The K-20 board and each independent nonprofit institution of
28 higher education to be connected agree in writing to terms and
29 conditions of connectivity. The terms and conditions shall ensure,
30 among other things, that the provision of K-20 services does not
31 violate Article VIII, section 5 of the state Constitution and that the
32 institution shall adhere to network policies; and

33 (ii) The K-20 board determines that inclusion of the independent
34 nonprofit institutions of higher education will not significantly
35 affect the network's eligibility for federal universal service fund
36 discounts or subsidies.

37 (3) Subsequent phases may include, but need not be limited to,
38 connections to public libraries, state and local governments, community
39 resource centers, and the private sector.

1 NEW SECTION. **Sec. 12.** RCW 28D.02.060, 28D.02.065, and 28D.02.070
2 are each recodified as sections in chapter 43.105 RCW.

3 NEW SECTION. **Sec. 13.** The following acts or parts of acts are
4 each repealed:

5 (1) RCW 28D.02.005 (Intent--Finding) and 1996 c 137 s 1;

6 (2) RCW 28D.02.010 (K-20 telecommunications oversight and policy
7 committee) and 1996 c 137 s 2;

8 (3) RCW 28D.02.020 (Design and implementation plan) and 1996 c 137
9 s 3;

10 (4) RCW 28D.02.030 (Proposed location plan of higher education
11 delivery sites) and 1996 c 137 s 4;

12 (5) RCW 28D.02.040 (Proposed location plan of public education
13 delivery sites) and 1996 c 137 s 5; and

14 (6) RCW 28D.02.050 (Network governance structure--Recommendations
15 of the higher education coordinating board and the superintendent of
16 public instruction) and 1996 c 137 s 6.

17 NEW SECTION. **Sec. 14.** This act is necessary for the immediate
18 preservation of the public peace, health, or safety, or support of the
19 state government and its existing public institutions, and takes effect
20 July 1, 1999."

21 Correct the title.

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